

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**RP TRAVEL,

Respondent.**

**Docket No. FMCSA-2009-0097¹
(Southern Service Center)**

ORDER

By letter dated March 1, 2009, and received March 16, 2009, Respondent, RP Travel, wrote to the Federal Motor Carrier Safety Administration (FMCSA) concerning an Order to Show Cause. If this is Respondent's attempt to show cause why it should not be prohibited from operating, pursuant to 49 CFR 386.83(b), it is unacceptable. Section 386.83(b)(2) provides that "[t]he prohibition may be avoided only by submitting to the Chief Safety Officer: (i) Evidence that the respondent has paid the entire amount; or evidence that the respondent has filed for bankruptcy under chapter 11, title 11, United States Code." Respondent has not done that. Instead, Respondent referred to a previous case against Delta Brigade Youth Music Association (Delta Brigade), which it stated was dismissed by the U.S. Treasury. Respondent alleged that a Department of Transportation officer had concluded erroneously that Respondent was a continuation of Delta Brigade.

Respondent provided a copy of a December 25, 2008, letter that it sent to Claimant, the Field Administrator for the FMCSA's Southern Service Center; that letter, however, concerns case number AR-2007-0078-US0698, which is different from the matter set forth in the March 1, 2009, letter. Respondent also provided a copy of a

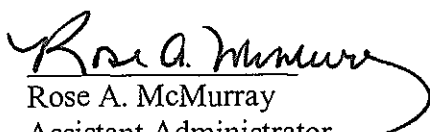
¹ The prior case number of this matter was AR-2009-0005-US0698.

December 1, 2008, letter referring to a November 3, 2008, review, which could be a compliance review (CR) conducted before the issuance of a Notice of Claim, though it is by no means clear that it is. In the December 1st letter, Respondent maintained that there could not have been a review in Arkansas on November 3rd because its principal was in Louisiana on that date. Respondent has provided neither the Order to Show Cause, the Notice of Claim, nor the Notice of Default and Final Agency Order (NDFAO).

It is not possible to make any findings based upon this record. If Respondent desires to be heard, it must place in the record all documents pertaining to this case in their order of occurrence and identify each document. That is, it must supply the Notice of Claim and whatever reply it made to the Notice of Claim, whether that be the December 1, 2008, letter or some other document.. Moreover, if a NDFAO was issued, Respondent should submit that document as well as whatever response it made to it. If a NDFAO was issued and Respondent did not petition for its reconsideration, Respondent should so state and explain why it did not. It should submit the Order to Show Cause as well as any other orders or notices that it received from FMCSA. For his part, Claimant should reply to whatever evidence and argument Respondent submits.

Respondent has 30 days from the service date of this Order to supply the requested information. Claimant will have 30 days from the service date of Respondent's submission in which to reply.

It Is So Ordered.


Rose A. McMurray

Assistant Administrator
Federal Motor Carrier Safety Administration

4-15-09
Date

CERTIFICATE OF SERVICE

This is to certify that on this 17 day of April, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Mr. Ronnie Patterson, President
RP Travel
14101 Pleasant Hill Road
Alexander, AR 72002

One Copy
U.S. Mail

Matthew Hardy, Esq.
Trial Attorney
Office of Chief Counsel (MC-CCE)
Federal Motor Carrier Safety Administration
1800 Century Boulevard, Suite 1700
Atlanta, GA 30345

One Copy
U.S. Mail
and electronic mail

Darrell Ruban, Field Administrator
Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Boulevard, Suite 1700
Atlanta, GA 30345

One Copy
U.S. Mail

Cynthia Williams Campbell
Acting Arkansas Division Administrator
Federal Motor Carrier Safety Administration
700 West Capitol Avenue
Room 2527 Federal Building
Little Rock, AR 72201

One Copy
U.S. Mail

U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

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